

Fears Serious Young Offenders Will Be Freed

Judge Sees Danger In High Court Ruling

BATTLE CREEK, Mich. (AP) — Calhoun County Probate Judge Mary Coleman says a recent Michigan Supreme Court ruling will result in youths convicted of serious crimes, including murder, being freed from prison.

By a 6-1 decision, the supreme court recently held unconstitutional a 33-year-old state law permitting juvenile court judges to waive jurisdiction and permit juveniles charged with felonies to be tried as adults in circuit courts.

Judge Coleman, immediate past president of the Michigan Probate and Juvenile Judges Association, said she received calls from other jurists who agree with her interpretation and is considering asking for a rehearing.

As she sees it, under the Supreme Court ruling "all persons who have committed felonies as juveniles and have been waived to circuit court and found guilty will now be turned out of prison or be released from parole or probation."

Discussing possible results, Judge Coleman cited the case of a 17-year-old charged with first-degree murder over whom she had waived jurisdiction to permit his trial as an adult.

"He was tried and the jury found him guilty of 'murder one.' He and another over 17 (also sentenced for first-degree murder) had robbed a gas station and ordered two young attendants to lie on the floor.

"When leaving the station, the young man turned around and deliberately killed a 17-year-old attendant. He was sentenced to life imprisonment.

"The effect of this decision appears on its face to be that this murderer will be released from prison. The juvenile court will probably have to try him again, but will have nowhere to commit him. He is too old to be accepted by the Boys' Training School under existing statute. He will no doubt be wandering the streets again."

The Battle Creek Enquirer and News, quoted a source it said is "close to the Michigan Supreme Court" as disagreeing and saying "there is somewhat of a misconception concerning the fate of those already convicted and sentenced."

"You just don't open the door and turn people loose," this source was quoted further. "There is a legitimate and orderly process to evaluate each case on its own merits."

The newspaper reported, however, that another source just as close to the court did not see the decision in the same light.

"The law was deemed unconstitutional... just a scrap of paper from the beginning," the second source said. "If they were tried as adults under standards which are now unconstitutional each has the right to ask for a rehearing and then presumably to be set free."



CAMPAIGN TALK: Sen. George McGovern talks with the Rev. Ralph Abernathy, chairman of the Southern Leadership Christian Conference, Wednesday at his Senate office in Washington. McGovern met with black leaders to talk about the Democratic presidential campaign. (AP Wirephoto)

'No Thanks,' Says Hubert To George

McGovern Still Looking For Running Mate

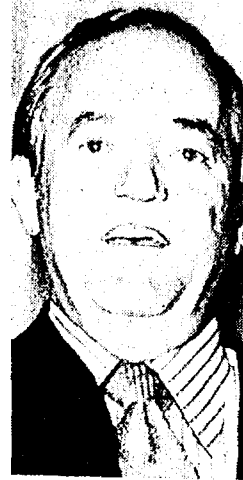
WASHINGTON (AP) — Sen. Hubert H. Humphrey was reported today still firmly opposed to running for another term as vice president—this time as the running mate for Sen. George McGovern.

McGovern, meantime, continued his search for a replacement for Sen. Thomas F. Eagleton, dropped Monday night from the second spot on the Democratic presidential ticket.

McGovern's national political director, Frank Mankiewicz, said Wednesday night the announcement of Eagleton's replacement will come by Friday.

McGovern is working toward selection of his second running mate in the same way he picked Eagleton—lots of caucuses with party leaders and lots of names leaked by advisers with Humphrey the latest to be mentioned.

Humphrey's press aide, Mikel Miller, reported today that Humphrey had talked to McGovern several times



HUBERT HUMPHREY
"He has it... in spades"

during Senate debate on a military procurement bill, passed Wednesday night.

Senate Republican Leader Hugh Scott of Pennsylvania also reported that McGovern and Humphrey met at breakfast today in the Senate dining room. Scott said he had no details of the meeting.

Miller said he had asked Humphrey if McGovern had offered him the second spot. (See back page, sec. 1, col. 1)

Fear Keeps State Park Users Away

Officials Say News Reports Exaggerate Trouble

LANSING, Mich. (AP) — Daytime visitors and overnight campers have stayed away from Michigan state parks in record numbers this summer, and the Natural Resources Department is concerned that unnecessary, unrealistic fear of vandalism and violence has caused it.

Through the middle of July, daily park attendance slumped by 1.8 million persons compared with 1971 entrance records, the department found. The total of 9.3 million daily visitors was down 17 per cent, and 194,825 campers—10,000 under the previous year—declined by nearly 5 per cent, the DNR reported.

Officials say sensationalized news accounts of actual incidents—which they admit have increased—have exaggerated and spread the fear of trouble in the parks.

Late summer attendance checks give some hope that attendance has "picked up a little," says O. J. Scherschligt, parks director.

The concern has a fiscal impact, too. A year ago, for example, sale of state park vehicle entrance permits reached a record \$1.9 million, and a frequent topic of official concern was how to meet the burgeoning demand for more outdoor recreation facilities.

The demand is still there but now compounded by the generation-gap problem of different kinds of groups with different interests butting heads for park space.

"We're a little bit concerned about it," Scherschligt said. "We think the parks offer a source of some enjoyment that is not fully utilized."

Scherchligt admits there have been real problems—drug problems, for example, at a Park near Pontiac and at Warren Dunes in the southwest corner of the state where many Chicago residents visit.

But he says "park problems haven't been as serious as they

But Can They Make It Stick?

Senators Vote To Halt Combat

By JOHN LENGEI,
Associated Press Writer
WASHINGTON (AP) — The Senate has voted a second time to halt U.S. combat operations in Indochina, but the battle to make it stick is far from over.

The amendment by Sen. Edward Brooke, R-Mass., was passed Wednesday night in a series of eight intricate, hard-fought votes. The tally on the key test was 49 to 47.

Attached to a \$20.5-billion

Pentagon procurement bill, the amendment provides for U.S. withdrawal from Indochina, except Thailand within four months if Hanoi releases American prisoners and accounts for GIs missing in action.

The measure would cut off funds for all war operations except the amount required for withdrawal and the protection of withdrawing forces.

An amendment by Sen. George Aiken, R-Vt., to incorporate President Nixon's conditions for withdrawal from Vietnam was adopted at one point 51 to 47, but was replaced later with Brooke's measure.

Nixon announced support for

Aiken's amendment in a telephone call to the senator Wednesday afternoon, marking the first outward endorsement by the White House of any end-the-war language.

On the key vote on Brooke's amendment, 11 Republicans "held the line against assaults and counterattacks," as Brooke described it, and voted with the majority.

The bill itself eventually carried 92 to 5, unlike the foreign-military-aid bill which the Senate killed last week after a similar end-the-war amendment was attached to it.

Dissenting on final passage were Democratic Leader Mike

Mansfield and Sens. Robert J. Dole, R-Kan., J.W. Fulbright, D-Ark., Mike Gravel, D-Alaska, and Harold Hughes, D-Iowa.

"The Senate on two occasions has worked its will," Brooke said. "I say to the country and the world we want to get out of this war... It tells the White House the Senate believes it has a constitutional responsibility to act in peace and war."

However, the House version of the same bill has no end-the-war provision. A conference committee of both chambers could kill it.

Sen. James Allen, D-Ala.,

raised another possibility: simply keeping the bill in conference without acting at all, to give Nixon more time to negotiate a settlement with the North Vietnamese.

"For this reason, he said, 'there is a good chance it won't be voted on finally until after'

(See back page, sec. 1, col. 6)

Lake Temperature

The temperature of Lake Michigan at the shoreline today is 66 degrees.

PHONEGRAMS are fun to play and may win you valuable prizes. Today's game appears on page 15.

Fifty Arrested In Disturbances At Ludington

LUDINGTON, Mich. (AP) — Some 50 persons were arrested Wednesday night following the second night of disturbances at Ludington State Park police said.

Officials said the disturbances were apparently connected with Tuesday's arrest of six persons on narcotics charges. Officials said a crowd of about 150 young persons converged on the state park about dusk Wednesday night. Several of the youths had firebombs and several small fires were set according to police.

Park officials reported that picnic tables were overturned and city officials reported that several fire hydrants were turned on and that at least one store window was broken. There were also isolated reports of rock and bottle throwing directed at passing cars.

The Ludington Police Department was assisted by various law enforcement agencies including their own reserve unit, members of the Mason County sheriff's department and riot equipped Michigan State Police.

Officials said only minor injuries were reported from scattered incidents.

Democrats Urged To Run On Own

SAGINAW, Mich. (AP) — The Democratic party chairman for Saginaw County is urging Democratic candidates for state and local office to disavow the presidential campaign of Sen. George McGovern if they hope to win in November.

"If I were a candidate, I would try to run my own campaign rather than link it to the national ticket," said Eugene D. Mossner. "That's the only way."

Mossner said he thinks McGovern has little chance of carrying Michigan and less of winning in Saginaw County.

Golf at Paw Paw Lk. G.C. Adv.

"You're A Good Man Charlie Brown" Musical Comedy Aug. 2-6. Sister Lakes Playhouse. Adv.



DISCUSS WAR PULLOUT: Four members of U.S. Senate gather Wednesday night to discuss vote of an ordered withdrawal of U.S. combat forces from Indochina within four months, dependent upon a reciprocal release of American prisoners by Hanoi. They are, from left, John Stennis, D-Miss., Alan Cranston, D-Calif., Edward Brooke, R-Mass., and George Aiken, R-Vt. The vote to halt U.S. combat operations in Indochina was 49 to 47 but the fight on that issue is not over yet. (AP Wirephoto)

Judge Accused Of Bias

KALAMAZOO, Mich. (AP) — The Kalamazoo Board of Education has filed an affidavit asking U.S. District Judge Noel P. Fox to disqualify himself from a Kalamazoo school desegregation case.

Judge Fox issued an order desegregating the schools last fall after the National Association for the Advancement of Colored People filed suit against the board's proposed voluntary integration plan.

The affidavit alleges that Fox showed "personal bias and prejudice against the Board of Education and in favor of the plaintiffs."

A previous Kalamazoo board voted to balance the school system racially in May, 1971 and instituted a plan calling for the busing of an additional 3,000 pupils. Some 6,000 already were being bused.

The new school board last July attempted establishment of a system of voluntary education, but this was protested by the NAACP on the grounds students would be denied their rights under the 14th Amendment.

A trial on the merits of the case is scheduled for the fall.

PHONEGRAMS are fun to play and may win you valuable prizes. Today's game appears on page 15.

Rumge Fri. BH Cong'l Church. Adv.

Rumge Fri. BH Cong'l Ch. Adv.

Men's Walk Shorts \$1.88. Dollar Days, J.C. Penney, Downtown B.H.

\$ Days Fri. & Sat. Lge selection of books reg. up to \$5.95 now 98c. other bargains. Baker Book House 77 Wall St. B.H. Adv.

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THE HERALD-PRESS

Editorial Page

W. J. Banyon, Editor and Publisher
Bert Lindenfeld, Managing Editor

McGovern Renews His Credibility Search

George McGovern has taken to selective seclusion to seek out a substitute for Tom Eagleton whom the Democratic Presidential nominee forced to resign as his running mate.

Though the public opinion polls indicate Eagleton's past mental history is not a handicap, some powerful voices in the Democratic upper echelon felt otherwise. Whatever his own instincts told him, McGovern caved in to the demand that he dump Eagleton.

The party stalwarts whom McGovern pointedly snubbed in his climb to the nomination and who all along had misgivings about him made their point abundantly clear. Their judgment holds McGovern to be a tough enough proposition to sell to the voters without adding the further task of trying to explain away a running mate's previous psychiatric treatment.

As much as he disdains the Old Guard, McGovern bowed to that pressure.

He is now maintaining a public silence while at the same keeping the telephone hot line at a white heat in the effort to find a substitute acceptable to as many factions as possible.

In coming around publicly to the Old Guard's position, McGovern said, "The public debate over Senator Eagleton's past medical history continues to divert attention from the great national issues

that need to be discussed."

Translated into everyday language this means, "We're hoping the public will forget the Eagleton affair by election time."

Though the Missouri Senator did deceive McGovern and the latter's aides by not disclosing his medical history, a fact which obviously would have denied him the Veep's nomination, McGovern shows up badly.

From his first reaction of "being a 1,000 per cent behind Eagleton," McGovern quickly lapsed into the waffling type of comment which ended Muskie's chances for the head spot on the ticket and he turned over the job of knifing Eagleton to the party's chairman and vice chairman.

This in the pattern of already having backed away from his income maintenance plan and his tax reform proposals of yielding to what the Wall Street Journal calls "Wilbur Mills" now you see it, now you don't approach."

In a word, McGovern has become something of an expert in withdrawal.

Down in Texas, "remember the Alamo" still tugs the heart strings.

McGovern's behavior in the past few days is scarcely the stuff of what a President should be.

He has made "remember Tom Eagleton" the campaign's best issue.

One American Export Doing Very Well

One stop shopping is taking hold in Europe, where specialty shops have long dominated the merchandising scene. American style supermarkets have proven successful despite the fact that few European shoppers drive to them in their own cars. But resistance to this retail revolution is mounting, especially in France.

France already has around 150 "hypermarkets" defined as retail units of at least 25,000 square feet on a single floor where both food and nonfood items are sold. In 1966, there were only four such stores in the country; today, they account for more than six per cent of total retail food sales.

Naturally enough, the small shopkeepers of France view the trend with alarm. They see themselves as the victims of an alliance of banks, real estate interests, and wholesalers. Accordingly, they have pressured the National Assembly to consider a special tax on retailers with more than 10,000 square feet of floor space. A levy of up to \$4 per square yard has been proposed. Larger supermarket firms like Carrefour, which doubled its earnings last year, contend that such a tax would be ruinous.

European variations on the supermarket theme would both disconcert and delight most Americans.

In the Soviet Union check-out counter personnel use an abacus to compute bills and no cardboard boxes are available to cart away large orders. Payment by check or credit card is unheard of.

French supermarkets have special queues for invalids and pregnant women, a chivalrous acknowledgement that checkouts can take a long time. The variety of wines and cheese displayed in a Parisian supermarket is simply staggering. So, unfortunately, is the haphazard arrangement of products milk next to mineral water, butter next to salad oil.

In England, many supermarkets retain a butcher so that customers can purchase meat cut to order. Few British shopping centers provide carts. Instead, groceries

are carried around in small handbaskets. Consumerism has yet to arrive in European supermarkets. For instance, trading stamps are rapidly gaining favor in England at a time when they are fading away in the United States. Moreover, no European supermarket employs the unpricing system now being introduced in many American chains.

The supermarket boom threatens to revolutionize British shopping habits. In a recent study, the Manchester Business School reported that supermarket retailing leads to substantial price savings for the consumer. The Financial Times suggested that British families could pare their food bills by three per cent if 35 supermarkets were built around the country over the next five years. In an inflation plagued economy such an argument has wide appeal.

There are dissenters, too. Peter Walker, Secretary of State for the Environment, recently asserted in the House of Commons that out of town shopping was "a concept which it would be a mistake for this country to pursue." Walker ventured the opinion that big shopping centers have "killed more American cities than any other sort of development."

With that type of environmental opposition building up, it is doubtful that permission will be granted for unlimited construction of supermarkets on anything like the French or American scale.

Pleasant Response

What a difference a few words can make. Even the most frustrating day, the most tiresome weather, the most uncomfortable weather can be erased or at least made lighter by a cheerful "thank you." It works both ways. A similarly light hearted "you're welcome" can make the day for another person.

The reason these and similar expressions can have such a dramatic effect is they have fallen into general disuse. Oh, yes, a bored "thanks" or "welcome" is heard from time to time, but usually with as much enthusiasm as an observation about the weather.

Pessimism is not an admirable trait, but a cynic who practices it can have a contagious effect on those around him. It has been noted by optimists that a smile employs fewer muscles and less energy than a frown, but there are those who insist upon doing things the hard way.

If the man exists who has no cares, no troubles and no responsibilities, he is one of the few who can afford the debilitating effect of perpetual pessimism. The rest of us could use an uplift of the spirits from time to time, and the quickest way to bring it about is to invite it from others. Cheerfulness, too, is contagious, and a lot more fun.

How Much Of A Strain?



GLANCING BACKWARDS

FUND DRIVE STARTED BY STUDENTS

Students have started their own campaign to supplement the capital fund drive of the Southwestern Michigan Lutheran high school association.

This student segment of the total appeal to raise \$500,000 to construct a Michigan Lutheran high school building is designed to aid and provide additional

spark to the major congregation campaign that will conclude Sept. 3, according to campaign officials. Aim of the entire campaign is construction of a new high school on a tract purchased several years ago off Marquette Woods road in Royalton township.

DION TO STAR AT YOUTH FAIR
—10 Years Ago—
The handsome young star of Laurie records, and most

recently of television and motion pictures, Dion, will be the feature attraction at the Berrien county youth fair, Aug. 16, 17, and 18.

Appearing with Dion will be the famous recording stars, Johnny and the Hurricanes, the Cassidy dancers and five other all-star acts, to round out a full 90-minute state show.

SMASH CENTER OF AXIS LINE

—29 Years Ago—
Allied troops racing to deliver the knockout blow in the battle of Sicily were officially credited today with smashing through the center of the enemy's 55-mile Mt. Etna defense line, capturing at least five more strategic towns and wiping out a bulge of 70 square miles.

Axis defenses appeared to be crumbling rapidly. "Our troops, fighting hard, are forcing their way through rugged and roadless country," the allied command announced.

FOUR O'CLOCK WHISTLE

—39 Years Ago—
The first indication of an industrial code in effect locally was the blowing of the shrill Cooper Wells whistle at 4 p.m. yesterday.

NATION MOURNS

—49 Years Ago—
St. Joseph today joined the nation in mourning the death of President Warren G. Harding.

WINS TRIP

—59 Years Ago—
Miss Elsie Wilcox was winner of the popularity contest at the Star theater, and with 200 girls and a corps of chaperones, will have a trip of two weeks to Niagara Falls and other points.

SUMMER NIGHT

—79 Years Ago—
The first summer night's entertainment under the auspices of the Epworth League was given at the M.E. church. Miss Laura Carey of Pensacola, Fla., gave readings. W. B. Church sang an excellent song.

income. Let's vote "no" to these millions next Tuesday, and thus tell our county to provide what services it can with what is already available, and no more.

Earl J. Smith
102 North 14th. street
Niles

'NO' VOTE URGED ON HOSPITAL TAXES

Editor,
Thank you for your informative article on Saturday, July 29, about the proposed millage for Berrien General Hospital. This proposal will be on the Aug. 8th. ballot and unfortunately a great many of our local citizens are unaware of the facts.

According to facts I have seen, should the proposal pass, the millage raised will amount to seven-and-a-half million dollars over a period of 19 years. Should not the public be made to realize that this is not a necessary expenditure? Berrien General is not totally a charity hospital, it also accepts patients who can pay for their expenses with insurance and Blue Cross. Other area hospitals run on the same basis, accepting charity patients as well as those who can pay, but they receive no tax

(See page 26, column 1)

Eight Yanks Killed In Viet War

SAIGON (AP) — Eight American servicemen were killed in action in the Vietnam war last week and 17 were wounded, the U.S. Command announced today in its weekly casualty summary. It said three more Americans died from nonhostile causes and one was missing in action.

The total of South Vietnamese and enemy casualties continued a month-long decline, according to the report of the Saigon command.

It said 1,891 North Vietnamese and Viet Cong were killed last week while government casualties were 587 killed, 2,563 wounded and 235 missing.

The week's U.S. casualties were slightly below the weekly average of about nine killed and 31 wounded during the past 18 weeks of the North Vietnamese offensive.

Ray Cromley

North Viet Dikes As Bomb Targets



WASHINGTON (NEA)—Publicly, in the United States and around the world, President Nixon is being attacked daily for dike destruction in North Vietnam.

What isn't reported is that privately some officials in the Pentagon and in the White House are criticizing the President for not bombing the dikes "to bring the war to a quick end."

In recent weeks, this reporter has listened to off the record "why-won't-he-bomb-the-dikes" arguments in fairly high circles in the government and to complaints that Mr. Nixon has recently given (renewed) "the strictest orders" that North Vietnam's dikes are not to be targets.

So, what, then, is the truth? This reporter understands from contacts in the Pentagon that the prevailing opinion among Defense Secretary Melvin Laird's top military advisors, including the Joint Chiefs of Staff, is that deliberate bombing of dikes would not be good military strategy. It would be counterproductive and would not bring the war to a quick end.

Even putting moral considerations aside, there is strong belief the dikes are not the most effective targets in this type of war.

One thing is certain. If the Air Force and Navy air were ordered to systematically destroy North Vietnam's dike system, the flooding this season would be tremendous and horrible to behold. There would be no hiding the fact. Not only crops would be destroyed, Hanoi and other North Vietnam cities and towns are on low-lying land. The flooding would

undo the havoc wrought by Hurricane Agnes to the northeastern United States this summer.

But dikes are being bombed as a part of target complexes. Major roads, rail lines, anti-aircraft installations, military warehouses, power plants, munitions storage dumps and other military objectives are surrounded by, situated closely beside, or located on dikes.

And as this reporter has seen in three wars, bombing is frequently very inaccurate. The number of times bombers have hit their own troops or allies has never been fully reported. It is probable that some pilots, finding their primary targets inaccessible, have bombed here and there, randomly hitting dikes.

We do not know yet whether some other pilots have taken matters into their own hands. But make no mistake about it, North Vietnam is having dike trouble. It will likely be deadly serious in the months ahead.

There was heavy flooding last year. This flooding caused widespread destruction of dikes. Many of which held through these floods were seriously weakened and required extensive repairs.

Women today are two-thirds of the agricultural labor force in North Vietnam and that force has been stretched paper thin. Because the Chinese withdrew their thousands of labor troops and because heavy casualties in the war in the South further depleted available manpower, dike repair has lagged. There have not been enough workers to spare.

Jeffrey Hard

Distorted View Of Spanish War



Does playwright Arthur Miller have any special insight or knowledge concerning Spain? Evidently not. Why then is he reviewing — on the front page of the Times Sunday Book Review, no less — a new book about Spain? When you read through his review the reasons remain completely undiscernible.

Unless, of course, Book Review editor John Leonard actually desired the tissue of banalities which Miller is thoroughly equipped to provide.

The book in question sounds interesting. It seems that Manuel Cortes, who in the late 1930s was mayor of the small town of Mijas, sided with the Republicans. When the Nationalists won, he hid in his house for 30 years, emerging recently when Franco declared a general amnesty. The book consists of his tape-recorded recollections and reflections,

and, in addition to its Rip Van Winkle aspect, is certainly a valuable document concerning the Spanish Civil War.

Miller, however, uses the book as the occasion for a kind of left-wing lay sermon. In it, he claims, "one finds oneself discovering what the Spanish Civil War was really about."

What? Are we to believe that Arthur Miller had to wait 30 years to discover what the Spanish Civil War was all about? Miller has certainly been in confident possession of that meaning since the first shot was fired on July 18, 1936 — and, lo and behold, he soon tells us: the war was "an explosion against a man-denying feudalism."

What those words mean, precisely, is rather hard to say — except that Miller is angry that the Nationalists won. Economic life in Spain in 1936 was by no means organized on a "feudal" basis, and the average Spanish Nationalist would hardly have described himself as "man-denying," whatever that means.

Now we also get some history according to Miller, when he speaks of "the people's massive resistance to Franco, which only Mussolini's legions and Hitler's air force finally broke."

It is difficult to see how a conscientious editor, could allow that sentence to be printed. Every student of the Spanish Civil War knows that foreign intervention was approximately the same on both sides: the Soviets and the International Brigades helping the Republicans, the Germans and Italians aiding the Nationalists. Nor was this aid decisive either way. Hugh Thomas, the British historian who has written a well-known history of the war, concludes that the issue finally was decided by the Spaniards themselves. And, as for "the people's massive resistance to Franco," which Miller refers to, historians agree that the nation was pretty evenly divided in its sympathies. Why does the Times insist on feeding its readers this pseudo-history?

BERRY'S WORLD



"George is in his element, now, with this being the year of 'the politics of discontent!'"

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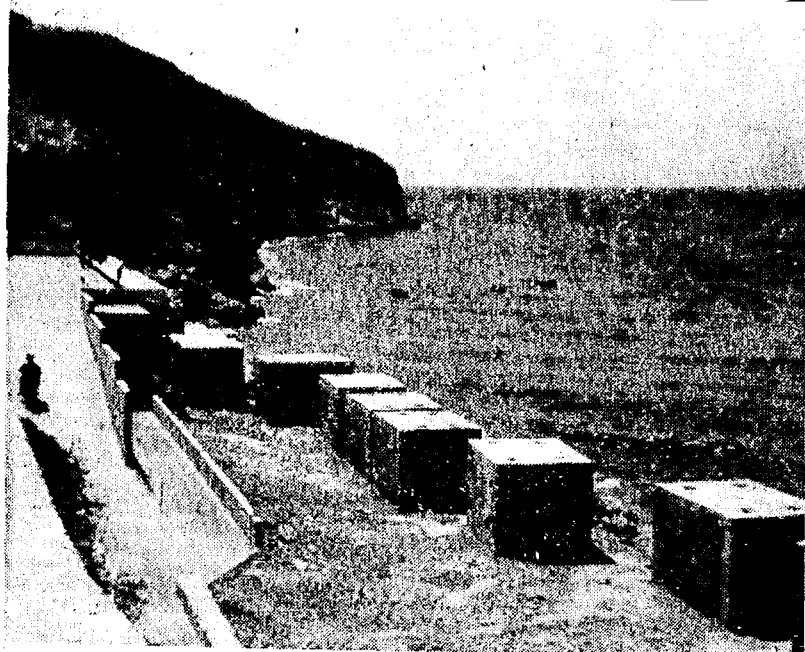
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EROSION ABOARD: Robert Hatch of St. Joseph toured Greece recently and discovered that controls against wave erosion along Mediterranean sea are needed, just as along the Lake Michigan shore. Hatch photographed these large concrete blocks at Caves of Pargos on southern-most point of Greek peninsula the Peloponneseus. He said blocks are used along Mediterranean coast to reduce wave action. Hatch and his family, of 1100 State street, toured Greece in June, joined by Peter Kerhulas family, 2183 South Cleveland avenue, St. Joseph.

Pollard Is Rebuffed By State Court

Judge's Appeal In Wake Of Trooper Slayings Turned Down

The Michigan court of appeals has come through with a decision on a side issue in the long-dormant Dorothy Pearl Broz case.

The decision turns down an appeal by Judge Paul Pollard of Fifth district court of a decision by Judge William S. White of Berrien circuit court.

Mrs. Broz, a 39-year-old Detroit, was accused of first-degree murder in the Dec. 31, 1971 slaying of two state troopers near Union Pier. The charge against her was dismissed and Judge Pollard ordered Berrien Prosecutor Ronald J. Taylor to return her property, including \$961.51.

Taylor didn't, and was ordered to appear in district court and show cause why he should not be held in contempt for failing to obey that order.

But Taylor asked for and got from Judge White of circuit court an order permanently enjoining the hearing in district court on the show cause.

Judge Pollard's attorneys appealed to overturn Judge White's order. The court of appeals has turned it down.

"There is something shockingly inconsistent with the notion of impartiality in a judicial system when judges of inferior jurisdiction are permitted to enter the adversary arena to challenge adverse orders of a court of superior jurisdiction," the court of appeals wrote.

"It is the conclusion of this court that the district court judge is not an aggrieved party in this case and therefore, lacks standing to commence this action."

"The complaint for superintending control is denied."

Judge White was represented before the court of appeals by Niles Atty. Donald Stone. Judge Pollard was represented by Benton Harbor Atty. J.D. Hartwig and St. Joseph Atty. Harry Creager.



CHANGING HANDS: Roger Burns (left) has purchased the Red Coach restaurant-bar, Stevensville, and receives key from former proprietor James Simmons. Burns, 41, has served as coach and teacher at St. Joseph high school. Simmons, 43, has owned Red Coach since 1951, and now plans to enter real estate business. (Staff photo)

Full-Scale Operation Hinges On 2 Issues

Palisades Plant Still In Limbo

KALAMAZOO — A three-man panel from the Atomic Energy Commission (AEC) Wednesday ended hearings on issuance of a full-power license for Consumers Power's 600,000 kilowatt Palisades nuclear power plant near South Haven.

The plant has operated at approximately 60 per cent capacity during the 2½ years of hearings over challenges by environmental groups about the plant's effect on its surroundings.

There was no indication Wednesday when a full-power license would be granted, and hearing board Chairman Samuel Jensch indicated he was uncertain of the board's responsibilities regarding environmental rulings outlined by the AEC, courts and the National Environmental Policy Act.

Jensch said he intended to ask the AEC itself to clarify whether the board was

obligated to consider environmental aspects not raised by parties in the hearing.

If the AEC rules the board has to consider other environmental questions than brought before it, a spokesman for Consumers Power said the hearings might have to be resumed.

Even if the plant is licensed for full power operation, it will operate at 60 per cent until another question—this one over faulty fuel rods—is resolved.

The main environmental questions raised before the panel dealt with thermal pollution and radioactive liquid waste being discharged into Lake Michigan.

The faulty fuel rod problem had its origin at an Ontario, N.Y., plant that has caused concern among AEC officials. Last week the AEC asked four nuclear plants including Palisades to hold electrical production levels at their

present approved capacity until the fuel situation at the New York plant was resolved.

The plant in question apparently experienced failures in the casings around nuclear fuel rods. The casing reportedly was collapsing causing gas to collect in the fuel rods. The result could cause the cladding to burst releasing radioactivity into the primary coolant system. There would then be a remote possibility that the secondary cooling system would be contaminated releasing radioactivity into the atmosphere or discharge water.

Palisades was effected by the order because its fuel rod system is similar to the New York plant even though they were made by different manufacturers.

By operating at a reduced capacity, the heat generated by the reactor would not be great enough to collapse the cladding.

The second issue facing the AEC hearing board is whether it thoroughly examined the potential environmental effects of the plant.

Attorneys for Consumers and members of the AEC staff argued during yesterday's final session that since there were no longer any intervenors that the question of environmental question was not an issue.

Conservationists successfully forced Consumers to construct giant cooling towers at Palisades instead of discharging warmed water into Lake Michigan. Then the conservationists withdrew their objections.

Hearing chairman Samuel Jensch, who said he believed the environmental question should be aired, agreed to submit the question to the Atomic Energy Commission.

If the AEC agrees with Jensch the hearings could be required to open again.

Bar And Restaurant Sold In Stevensville

Ex-SJ Teacher Buys Red Coach From James Simmons

Roger Burns, a former coach and teacher in St. Joseph, has stepped back into the restaurant business as proprietor of the Red Coach at Stevensville.

Burns purchased the business from James Simmons, who has operated the Red Coach for 21 years. Simmons said he plans to devote full time to the real estate business.

Burns, 41, said he is no newcomer to the restaurant business, learning it from his parents, who owned the former College Inn, Kalamazoo.

Burns said he is leaving the teaching profession, and plans no basic changes at the Red Coach, which includes a restaurant, liquor license, dancing, and a catering service.

Burns recently has taught biology at St. Joseph high school. He came to St. Joseph high in 1967, serving as basketball coach for one season. He previously coached four years at Otsego and seven years at Portage.

The Red Coach is a well-established Stevensville eating and drinking place, owned by Simmons since 1951.

Since 1969, Simmons has served as president of the Southwestern Michigan Licensed Beverage association, representing licensees in Berrien, Cass and Van Buren counties. He said his term expires soon, and he will step down. Simmons said his real estate venture will center on the purchase and sale of bars over the state.

A 1946 graduate of Berrien Springs high school, Simmons attended St. Edwards university, Austin, Tex. He has been active in Stevensville area.

Attack

DENVER (AP)—A 4-year-old north Denver boy is in critical condition after he was attacked by a 200-pound "pet" lioness near his home.

Red Cross and March of Dimes supervisor and state House of Representatives. He said he no longer is involved in political affairs.

Two Dads Ordered To Begin Paying Past Due Support

Two dads owing more than \$3,300 in support for children on or formerly on ADC were ordered to begin paying it off this week in Berrien circuit court.

Harry Reynolds, of 1440 Britain avenue, Benton township was found in contempt by Judge Julian Hughes for a \$2,000 arrearage for two children on ADC. Reynolds was ordered to pay \$40 immediately and \$10 weekly on arrears, according to George Westfield, Berrien friend of the court.

George L. Howell, of South Bend, Ind., was found in contempt by Judge William S. White for a \$1,339.50 arrearage for three Berrien county children on ADC and was ordered to pay \$5 weekly on arrears and \$51 weekly in support, Westfield reported.

Both also were put on a year's probation.

BH Principals Get New Posts

Mrs. Mary Buesing, principal of North Shore and Lafayette elementary schools in the Benton Harbor district, has been named new principal of Johnson, Millburg and Spinks Corners elementary schools, Supt. Raymond Sreboth announced.

Sreboth said Mrs. Buesing was transferring at her request. She will succeed Rance Deckard who recently was named principal of

Fairplain West and Northwest schools.

Mrs. Buesing had been principal at North Shore since 1961. After the consolidation of 1965, she was named principal of North Shore-Lafayette.

She is immediate past president of the Benton Harbor Principals association and currently is ending a second two-year term as secretary of the Michigan Association of Elementary Principals.



MARY BUESING



RANCE DECKARD



TANDEM TRAVELERS: Congressman Edward Hutchinson and his wife start a "Youth Truth Squad" on their way bicycling across his congressional district yesterday morning from his headquarters on Niles avenue. The congressman and his wife led the young

cyclists for two blocks on a tandem bicycle through light rain to start them on a four-day, 175-mile trip. The bicyclists will campaign on behalf of Hutchinson's candidacy for renomination in the Aug. 8 primary.

Teen Jailed For Violating Probation

A 17-year-old Benton township youth was ordered jailed a year Wednesday in Berrien circuit court for violating a two-year probation set for a drug conviction.

Judge Julian Hughes found Mark Allen Cope, of 1575 Grove, guilty of failing to observe a night curfew in a three-year probation set in November, 1971, on Cope's conviction for possessing LSD. Cope gets credit for 222 days served.

121st Cass County Fair Opens Monday

CASSOPOLIS — The 121st annual Cass county fair begins its six-day run here Monday.

The official kickoff comes at 4:30 p.m. Monday, when the traditional first-day parade winds its way from downtown Cassopolis to the fairgrounds.

Subsequent attractions include a rodeo, shows by country-western singing star Jeannie C. Riley and the Homesteaders, an auto daredevil show, motorcycle racing as well as judging and exhibits of everything from horses and cattle to needlework and canned vegetables.

Fair officials last year estimated an attendance of 40,000.

down slightly from estimates in the two previous years. Completed in time for last year's fair was a \$118,000 grandstand that replaced an old wooden structure and tripled the seating capacity.

Daily gate tickets and grandstand tickets are \$1 each for adults and 50 cents for children, under 12. Wednesday is Kiddies' Day and between 9 a.m. and 5 p.m. tickets to most rides will be sold at reduced prices. Parking on the fairgrounds is free.

In addition to the parade, opening day activities Monday include judging of youth non-livestock projects at 9 a.m. and

a Demolition Derby at 8 p.m.

At 1 p.m. Tuesday and every day through Saturday there will be harness racing in front of the grandstand.

Other events set for Tuesday are the youth and open class swine show and judging at 9 a.m.; the youth and open class dairy show and judging at 7:30 p.m. and the Roy King rodeo at 8 p.m.

On Wednesday, Kiddies' Day, there will be the Holiday Animal Fantasy at 8 p.m. preceded by a monkey act. Also on Wednesday there will be judging of poultry, rabbits and sheep for youth and open class at 9 a.m.; youth and open

class beef judging at 2 p.m.; and pony team hitchies at 4 p.m.

On Thursday the youth horse and pony halter show and judging will be at 9 a.m.; youth market livestock sale at 7 p.m.; Jeannie C. Riley and the Homesteaders perform at the grandstand at 7 and 9 p.m.

Friday's activities begin with the youth horse and pony performance show and judging at 9 a.m.; youth dog show and judging at 10 a.m.; pony races at 4 p.m. and King Kovaz Auto Daredevils at 8 p.m.

On Saturday a 4-H demonstration contest is set for 1 p.m., followed by motorcycle racing at 6 p.m. and pony pulling at 8 p.m.

Candidates For Sheriff List Funds

Jewell, Heward Debate At Berrien Springs

BY LYLE SUMERIX
South Berrien Bureau

BERRIEN SPRINGS— Campaign contributions totalling \$15,800 were reported here last night by two men seeking the Republican sheriff's nomination in the Aug. 8 primary.

Incumbent Sheriff Forrest "Nick" Jewell said he had received \$8,600 so far toward his primary campaign while challenger Joe Heward reported \$7,200 had been received. No report was made on expenses.

The candidates confronted each other during a debate session sponsored by the Berrien Springs Jaycees in the high school, but no fireworks resulted.

The highly partisan crowd of about 300 persons consisted mostly of campaign workers.

Jewell, 42, was elected sheriff in 1968 after serving on the department 12 years.

Heward, 53, former undersheriff with 18 years experience, was a write-in candidate in the GOP primary that year. Since then he has been with Ausco in St. Joseph, where he is manager of safety and security. A question unanswered after last night is "What role will Edward Merrill and Victor Hauch play in Heward's administration, if he is elected?"

The challenger said "that will be announced later at the appropriate time."

Jewell stressed continued training of men in his department as a primary goal if re-elected. He said this was necessary to continue sup-

plying "expert service to citizens."

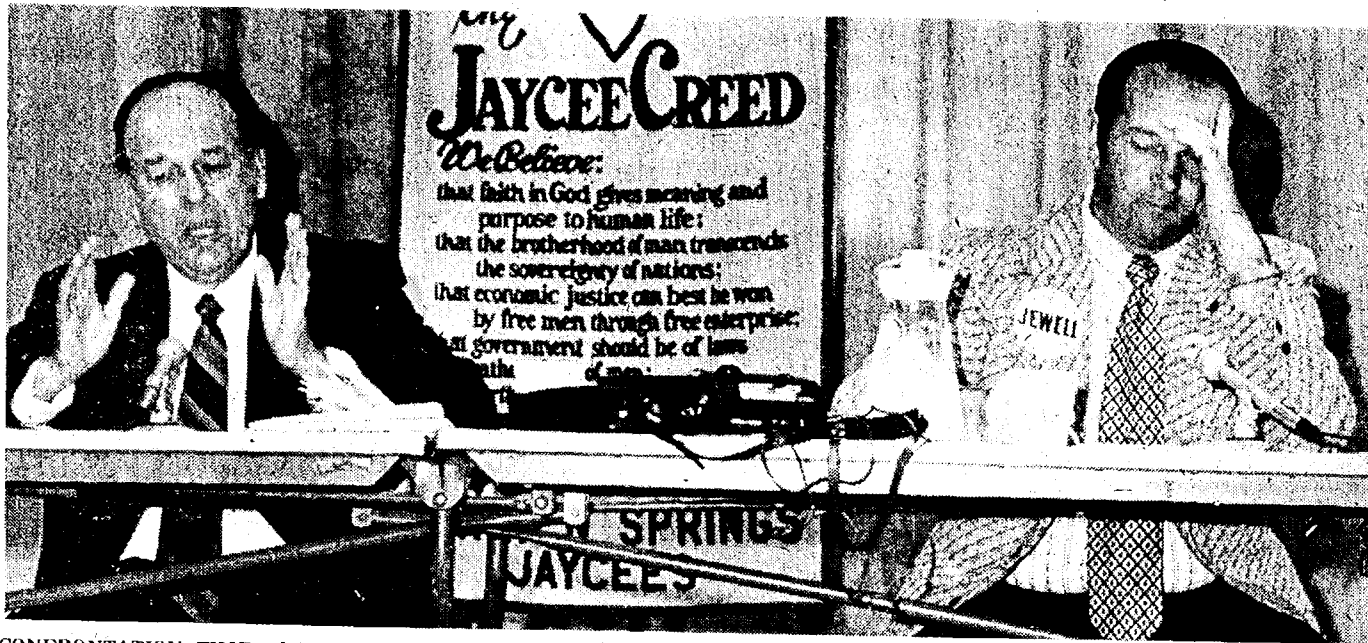
He said he was working with officials on planning for a new juvenile home in the county. "Not one in which to just incarcerate young people, but one in which they can be rehabilitated."

Heward listed as his goals departmental re-organization, crime prevention, jail reform and community relations.

He said re-organization would be based on good business organization. "I'm not going to allow deputies in squad cars to distribute campaign literature," he stated, and then charged that two squad cars and two pickup trucks were used to haul away his campaign signs.

Regarding the charge that there was really no sub-station claim at Galien because deputies were seldom available, Jewell said "We have a sub-station, but there is no direct telephone contact with deputies because they are out on the road, not behind the desk." He added that deputies are usually available at the sub-station only during shift changes.

In view of a report that there was no longer room in the jail for the sheriff's living quarters, Heward was pressed on his campaign promise to move the sheriff's quarters back into the jail. He said he was not convinced that room could not be available, but that if elected, he would investigate use of a nearby building or the courthouse. "I still think the sheriff should live close to the jail so he can be in command at all times."



CONFRONTATION TIME: Joe Heward, left and Sheriff Forrest "Nick" Jewell, right, both seeking the Republican nomination as sheriff in the Aug. 8 primary, appear none too happy in this picture taken at session in Berrien Springs last night. Heward, former undersheriff, is seeking to oust Jewell, who used to work under Heward, from the \$17,000-a-year sheriff's position. (Staff photo)

New Buffalo Ponders Debt

Yes Vote Urged On Bonds

NEW BUFFALO — Mayor William Marx and three other city councilmen are urging city voters to approve the proposed sale of \$75,000 in bonds to repay a loan to Berry Metal company in a special election set for Tuesday.

Marx yesterday issued a statement of endorsement on behalf of himself and councilmen Roland Oselka, Lucian Darin and Alvin Schroeter. Councilman Frank Marotta was alone in withholding endorsement.

"The real question," the mayor's statement said, "is does New Buffalo owe the money? If it does, and everyone knows it does, then the city must repay the loan."

Marx said the debt was incurred when the city of New Buffalo borrowed \$53,280 from Berry Metal company, a subsidiary of Pullman, Inc., for extension of the water main to the company plant.

The loan led to a recall earlier this year of four of the previous council members. It also resulted in the removal of the former city attorney and plans to replace the city manager.

Plans for the bond sale were pushed into the referendum by the same organization, the Citizens Improvement com-

mittee which triggered the recall.

The plant was part of a 224-acre parcel annexed to the city from New Buffalo township with a promise that municipal services would be provided.

"Berry Metal company, Pullman, Inc., and the C&O

Railroad have plans of further developing the 224 acres. It is imperative that good relations be maintained with this company on the level of the promises the city made when it borrowed the \$53,280," the statement said.

"A vote against the issuance

of these bonds will permanently affect the ability of New Buffalo to borrow any money in the future," it continued.

There will be no increase in taxes or water rates in order to repay the loan, the statement said.

Buchanan Woman Hurt In Accident

BUCHANAN — A rural Buchanan woman, Joanne I. Spencer, 39, of Wells road, was reported in good condition this morning at Niles Pawating hospital, where she is being treated for injuries suffered in a car-truck crash yesterday.

Berrien sheriff's deputies from Galien sub-station reported Mrs. Spencer's car collided with a farm truck as she was pulling out of her driveway. The driver of the truck, Howard R. Doughten, 45, of Dayton road, Buchanan, was not injured.

She was issued a summons for failure to yield the right of way.

BUILDING DEDICATED
DETROIT, Mich. (AP) — The Walter P. Chrysler Building, a new multimillion-dollar structure dominated by a 68-foot high, copper-domed show-room, was dedicated Wednesday by Chrysler Corp. at its world headquarters.

Consumers Power Asks Increase In Home Rates

LANSING, Mich. (AP) — Consumers Power Co. has asked the Michigan Public Service Commission for a home electricity rate boost that would average 13.9 per cent and bring the utility \$56 million more in annual revenues.

The request was accompanied Wednesday by a second bid for a temporary, \$34 million, 8.8 per cent increase while the PSC studies the utility's basic plan.

Company officials said the average monthly home electricity bill of \$11.25 would go to \$12.24 under its interim request and to \$12.81 if the full increase is allowed.

The full, \$56-million proposal amounts to a 14.5 per cent jump in projected revenues, a spokesman said.

The request follows a \$12.3 million 4.2 per cent rate increase approved May 24 for an estimated average per-customer charge of 90 cents extra a month.

A \$6.5 million boost was allowed in late 1971 to cover higher natural gas wholesale prices okayed by the Federal Power Commission.

Several weeks ago the company reported a \$39.9 million revenue increase for the first six months of the year, but said earnings were down slightly, seven cents per share.

State officials reported the request was accompanied by "four cartoons" of supporting testimony and exhibits. It was the first time a request had been accompanied by detailed defense matter. The practice would become mandatory upon passage of a bill now pending in the Michigan Senate.

Migrant Kids Get Lawrence Diplomas

LAWRENCE — Some 175 migrant children from the Lawrence area, ages two and a half to 13, were presented diplomas last night for completing a seven-week education program held in Lawrence elementary school.

The diplomas were awarded by John Dominguez, coordinator for Van Buren county intermediate school district migrant programs, in ceremonies at Lawrence high school auditorium.

The program was operated by the intermediate district with federal funds.

Berrien GOP Raising Campaign Funds Via Watervliet Theater

Berrien county Republicans have bought out tonight's performance of "Anything Goes" at Southwest Michigan Musical theater in Watervliet in a combination fun and fund night.

Mrs. Judith Litke, ticket chairman, said an expected capacity crowd of 500 cash-paying Republicans will not only see Dorothy Lamour perform but be contributing to a fund for re-election of President Richard M. Nixon. GOP theater-goers are paying ticket prices ranging from \$7.50

to \$20 with contributions of \$5 to \$15 going to the re-election fund. Starting her second week in the Cole Porter play, Miss Lamour is well known for her appearances in the

"Road" movies with Bob Hope and Bing Crosby. Show time is 8:15 p.m.

Tickets are available at Republican headquarters on the second floor of the Inter-City bank building in Benton Harbor or by calling there.

Hot Issue Placed On Ballot

South Haven Twp.
Voters To Settle
Zoning Controversy

BY TOM RENNER

SOUTH HAVEN — The fate of a proposed zoning ordinance that has been in the making for more than two years for South Haven township will be placed before the voters during the Nov. 7 general election.

The South Haven township board during its regular meeting last night elected to place the controversial issue on a referendum ballot instead of adopting the ordinance and then facing a petition challenge.

The board could have adopted the ordinance in accordance with state law. Residents opposing the ordinance would then have had 30 days to file a petition demanding an election on the issue.

The outcome of the election will be binding on the board. If the decision is affirmative, however, persons who are opposed would still have the option of presenting a petition demanding yet another election.

Clerk Franklin Torp said that in 1962 the board voted never to adopt a zoning ordinance without submitting it to the vote of the electorate.

"I have always believed in government open to the people and after attending the hearings on this ordinance I believe there appears to be a lot of opposition to it," said Torp.

In other action Supervisor Richard Bus indicated that an engineering study of the feasibility of extending municipal water and sewer lines from the city of South Haven into the township is nearly finished.

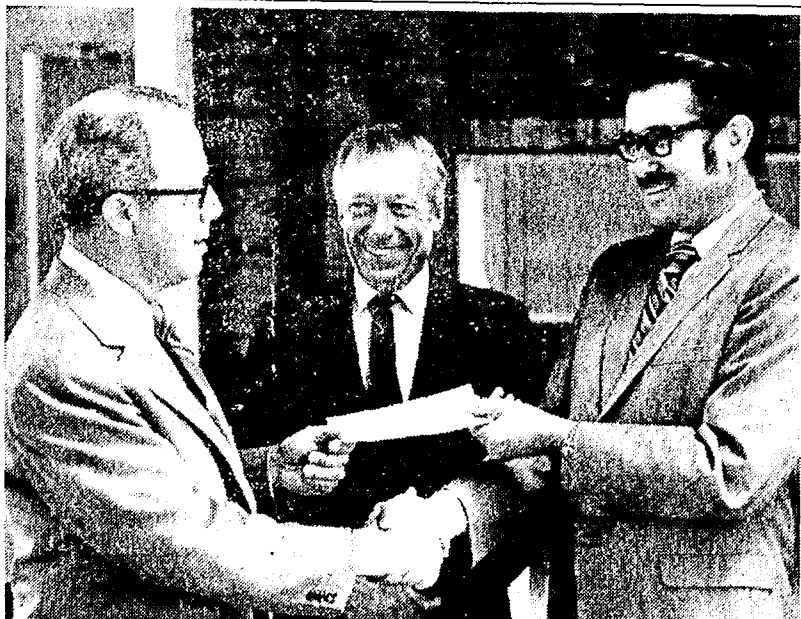
The board received a letter from Leslie Brown, acting director of the Van Buren county health department who voiced concern about inferior sewer sewage disposal systems at three township restaurants.

The board denied a petition from the promoters of a pari-mutuel horse racing track to have the site of their proposed multi-million dollar facility zoned differently than the proposed zoning ordinance. The ordinance would classify the property near the M-140 interchange of Interstate 196 as residential and would prohibit construction of the proposed race track. Members of the board said they would reconsider the question if the ordinance is adopted and when the track becomes closer to realization.

James Davis, the owner of Lake Michigan shoreline property, asked board assistance in investigating the possibility of establishing a special assessment district of shoreline residents who wish to attempt to protect their property.

DOCTOR RESIGNS

TRAVERSE CITY, Mich. (AP) — Dr. M. Duane Sommers has resigned as superintendent of the Traverse City State Hospital, but said his resignation has nothing to do with litigation pending against him and the hospital in connection with the death of a mental patient there in 1970.



COURTHOUSE FUNDS: Don Dick, left, treasurer of the Berrien County Historical commission (BCHC) accepts a \$579 check from Andrews university Pastor Gordon Paxton to help finance restoration of the original county courthouse in Berrien Springs. D. Read Stevens, center, BCHC trustee, looks on. The money was raised by AU students in May during a walkathon in which area businesses and individuals based their contributions on how far the students walked. Courthouse restoration presently involves re-finishing work on the exterior and completing the museum on the lower level. Seventy-five percent of the walkathon funds went to the AU Student World Service corps.